

RFP 306-08-024 – USAID/AFGHANISTAN JUSTICE SECTOR DEVELOPMENT PROGRAM (JSD)

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE	PAGE 1 OF 1 PAGES
2. AMENDMENT/MODIFICATION NO. 01	3. EFFECTIVE DATE July 15, 2008	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)	
6. ISSUED BY Office of Acquisition and Assistance USAID/Afghanistan APO AE 09806		7. ADMINISTERED BY (If other than Item 6)		
8. NAME AND ADDRESS OF CONTRACTOR (No. Street, county, State and ZIP: Code)			(4)	9A. AMENDMENT OF SOLICITATION NO. 306-08-024
TO ALL OFFERORS/BIDDERS			<input checked="" type="checkbox"/>	9B. DATED (SEE ITEM 11) June 26, 2008
				10A. MODIFICATION OF CONTRACT/ORDER NO.
CODE				10B. DATED (SEE ITEM 13)
FACILITY CODE				

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning one (1) copy of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATA SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and data specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

A.	THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
B.	THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
C.	THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
D.	OTHER Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return ___ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

RFP 306-08-024 "Justice Sector Development Program" is hereby amended in order to:

1) Incorporate "Questions and Answers" related to this competitive process;

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) David Brown Contracting Officer
15B. CONTRACTOR/OFFEROR	16B. UNITED STATES OF AMERICA
15C. DATE SIGNED	16C. DATE SIGNED 15 July 2008
(Signature of person authorized to sign)	BY  (Signature of Contracting Officer)

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ACCORDINGLY RFP No. 306-08-024 “JUSTICE SECTOR DEVELOPMENT PROGRAM (JSD)” INCORPORATES THE FOLLOWING QUESTIONS AND ANSWERS:

#	QUESTION	ANSWER
1	<p>Please clarify the proposal delivery instructions. The RFP on page 64 states that electronic submissions of proposals will be accepted. However, this would appear to conflict with the requirement (SF 33 and page 64) for an original and multiple copies of both the Technical Proposal and the Cost Proposal. Will electronic proposals received by the closing date and time deadline be accepted as timely? If so, are offerors also required to submit hard copies of their proposals by the closing date and time? Also, please confirm how many copies must be submitted. The RFP cover page (SF 33) refers to an original plus five, while page 64 of the RFP refers to an original plus three.</p>	<p>It is necessary to remark that although electronic proposals received by the closing date and time deadline will be accepted it is at the offeror’s risk, therefore, per USG regulations, the time and date of acceptance will be that as stated in the USAID/Afghanistan Acknowledgement of Receipt of the offeror’s package. Regarding the second part of the question, page 64 includes a typo error, it should read: “original plus five copies”.</p>
2	<p>The total LOE of 12,480 workdays estimated for key personnel (p.28 of the RFP) appears to be based on eight key personnel positions rather than five positions as listed in Section F.8. Please reconfirm the total LOE for key personnel as well as for the additional long-term advisors.</p>	<p>The total LOE figure of “12,480” for key personnel as stated on page 28 of the RFP contains a typo error. It should read “7,800”.</p>
3	<p>Section F.7 of the RFP identifies 14 additional long-term international advisor positions in addition to the Key Personnel positions listed in Section F.8. Would it be acceptable to USAID for offerors to propose a different mix of additional long-term advisors to implement the Project, provided the</p>	<p>No.</p>

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	total LOE for all additional long-term advisors does not exceed 21,840 work-days?	
4	Could USAID provide an estimated total budget range for the JSD program?	No. A Cost Plus Fixed Fee Level of Effort contract will result from this Solicitation.
5	Please confirm that the following will not count against the 30 page limit for the technical proposal: Monitoring and Evaluation Plan, SF294s and Small Business References, Branding Implementation Plan and Marking Plan, and List of Acronyms.	Confirmed. The 30 page limit corresponds exclusively to the technical proposal.
6	Section L.8 (c) on page 71 first states that subcontracting plans must contain small business subcontracting goals of at least 1% of total planned subcontracting, but then goes on to state that the goals must include a minimum of 1% for each of five categories of small businesses (veteran-owned, service-disabled veteran-owned, HubZone, small disadvantaged, and women-owned. Please confirm that the total minimum goal is 1% for all categories combined	Confirmed. The 1% refers to all categories combined.
7	Are offerors required to name candidates for all proposed positions, or only for key personnel positions as indicated in the Technical Proposal instructions (page 67)? If there is no requirement to name candidates for other positions, please confirm that biographical data sheets are required only for key personnel, and that salaries of other personnel (including TBD personnel) may be estimated.	Offerors are required to name candidates for the Key personnel only. However, please remember that this is a competitive acquisition process and names of personnel; biographical Data Sheets and letters of commitment will allow USAID to better evaluate the offeror's proposal.
8	Under Subcomponent 4 of Task 1, the contractor will be responsible for constructing or refurbishing 30 courthouses and other judicial facilities. Please confirm that the contractor will	A total plug figure of \$12,000,000 is hereby established to cover refurbishing/construction of the 30 courthouses and other judicial facilities.

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	be responsible for payment of all construction or refurbishing costs, including architectural and engineering costs, construction subcontracts, construction monitoring and other related costs. If yes, please provide guidance (or a plug figure) for budgeting purposes.	
9	Deliverables under each task are listed separately for Phase 1 (months 1-24) and Phase 2 (months 12-60). Please clarify the apparent overlap with respect to months 12-24.	Certain deliverables will be of a continuous nature and so overlap in months 12-24.
10	Section I.2 and Section I.3 (p. 46) both pertain to the option period and appear to be duplicative in some parts and inconsistent in other parts. For example, Section I.2 states that extension of performance shall not exceed 6 months whereas Section I.3 states that the exercise of any options shall not cause the total duration of the contract to exceed five years. Please clarify.	The offeror is referring to two different clauses. Section I.3 refers to the exercise of options. Whereas Section I.2 refers to a one time extension for a period not to exceed 6 months for continuing of services.
11	Should offerors budget for accommodations/per diem expenses for judicial mentors assigned to locations outside Kabul? If so, can USAID provide guidance for budgeting purposes.	Offerors should budget for accommodations and expenses for judicial mentors assigned to locations outside Kabul, however, no per-diem payment will be authorized considering the fact that they will be based in the province as their post.
12	Is the contractor required to work with all law schools such as Kabul, Mazar, Herat, Nangahar and Al Biruni?	This is a competitive process and the contractor is expected to show familiarity with the situation in Afghanistan and use best judgment on what will fulfill the task in the SOW.
13	In addition to Kabul, what are the other universities where training in teaching methodology, legal writing and research, computers and legal English will be conducted?	This is a competitive process and the contractor is expected to show familiarity with the situation in Afghanistan
14	Can the contractor use the public outreach material developed under the	Yes, though the SOW indicates that new materials will also be developed.

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	previous USAID project?	
15	<p>This question is split into three parts:</p> <p>a. What is the relationship of the contractor with the Joint Coordination and Monitoring Board for justice?</p> <p>b. Will the contractor be required to coordinate with its working groups?</p> <p>c. What are the existing mechanisms for inter-donor and inter-US agency/military coordination?</p>	<p>a) This is a competitive process and the contractor is expected to show familiarity with the situation in Afghanistan including familiarity with coordination mechanisms.</p> <p>b) As set forth in the SOW, the contractor is expected to coordinate and partner with relevant parties as is needed and reasonable.</p> <p>c) The offeror needs to propose a creative and comprehensive coordination plan to ensure ongoing awareness of relevant coordination mechanisms as those do change over time.</p>
16	Will USAID make previous contractor reports available from the project implemented by Checchi?	The four last quarterly reports can be provided upon written request.
17	Are more details available to contractors about the National Justice Program, its Program Support Unit and Program Oversight Unit, and their reporting requirements from the contractor?	Please see the original JSD RFP, Section L.9 BACKGROUND INFORMATION TO OFFERORS
18	Will the training material be developed in Dari, Pashto or English?	They will be developed in Dari and/or Pashto, depending on the usage and location.
19	Has a specific ceiling price been established for this contract?	No, please see response to Question No. 4
20	Can local salary ranges be provided?	USAID/Afghanistan 2008 Local Compensation Plan will be provided to contractors upon written request.
21	The RFP requests hard copies of the technical and cost proposals but specifically allows for electronic submission. May we submit an electronic proposal in PDF format by the August 18 deadline with hard copies also submitted by the August 18 deadline but arriving subsequently?	Please see response to question No. 1
22	What is the anticipated time frame for	This is a competitive process and a timely

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	deployment of the 14 non-key LTTA staff after the contractor is notified of award?	mobilization is preferred and should be consistent with the proposed Work-plan and Mobilization Schedule.
23	For key personnel, USAID specifies in Section L what information (resumes, acknowledgement letter, references) is required in the proposal. What information is required for the 14 non-key LTTA staff in the proposal?	AID form 1420 and information necessary to make an internal decision of the adequacy of the proposed LTTA.
24	In section M the Evaluation Criteria are discussed according to three major categories -- technical approach; management approach and personnel; and past performance information. Is there a certain percentage of points allocated for these three categories? If so, please provide the percentage breakdown per category.	Please see RFP Section M.
25	The SF 33 form indicated an original and 5 copies while Section L page 64 shows for technical an original and 3 copies and the same for cost. Please clarify.	Please see response to question No. 1
26	The RFP Task I asks the contractor to "expand assistance at the provincial and district levels" while under Task III Deliverables there is reference to "targeted provinces/districts". What are the targeted provinces/districts to which technical assistance and construction of courthouses under this RFP is anticipated? If these are not defined, are there provinces and districts where assistance and court construction is not anticipated?	This is a competitive process and the contractor is expected to show familiarity with the situation in Afghanistan. A variety of factors may affect the identification of the specific targeted provinces/districts for particular interventions after award of the project, including but not limited to need, security and activities of other donors. Because of the dynamic nature of these and other factors, it is expected that the specific provinces/districts in which the project will operate will be agreed upon with USAID during the workplan process. Therefore, with due diligence the contractor should propose what it considers to be plan for analyzing and making recommendations for identification of targeted provinces as well as its recommendations under the current circumstances given its knowledge of the situation in Afghanistan.

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27	The RFP does not specify a ceiling price for the project. Can USAID provide a ceiling price or a target range for offererors' cost proposals?	Please see response to question No. 4